

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID FRANCIS BLAKE,

Plaintiff,

vs.

H. ENTERO, *MEDICAL DIRECTOR*;  
R. SOLOMAN, *MCD. SERVICES*;  
A. MILLER, *NURSING SUPERVISORS*; and  
E. SIMPSON, *HEALTH CARE ADMIN*,

Defendants.

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) No. 2:23-cv-604  
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) District Judge Robert J. Colville  
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) Magistrate Judge Maureen P. Kelly  
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**ORDER OF COURT**

Before the Court is the Honorable Maureen P. Kelly’s Report and Recommendation (ECF No. 13) that was filed in the above-captioned matter on February 6, 2024. Judge Kelly’s Report and Recommendation recommends that this case be dismissed with prejudice for failure to prosecute. Objections to Judge Kelly’s Report and Recommendation were due by February 23, 2024. No objections were filed. Accordingly, this matter is ripe for disposition.

Objections to a magistrate judge’s disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. *Id.* Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review

to dispositive legal issues raised by the report,” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon reasoned consideration of Judge Kelly’s Report and Recommendation and the record in this matter, the Court agrees with the well-reasoned analysis set forth in Judge Kelly’s Report and Recommendation, and the Court accepts and adopts Judge Kelly’s Report and Recommendation in its entirety as the opinion of the Court. The Court notes that Plaintiff’s failure to object to the Report and Recommendation further supports Judge Kelly’s conclusions that Plaintiff has displayed a history of dilatoriness and that his conduct is willful. This case is dismissed with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court shall mark this case as closed.

BY THE COURT:

s/Robert J. Colville  
Robert J. Colville  
United States District Judge

DATED: November 12, 2024

cc: The Honorable Maureen P. Kelly

David Francis Blake  
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Kittanning, PA 16201